

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE	:	
FRANK BARRETT,	:	
Debtor	:	
	:	
	:	CHAPTER 13
JACK N. ZAHAROPOULOS,	:	
CHAPTER 13 TRUSTEE,	:	
Movant	:	
	:	
vs.	:	CASE NO. 5:25-bk-00186-MJC
	:	
FRANK BARRETT,	:	
Respondent	:	

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on February 11, 2025, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his Attorney Agatha R. McHale, Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with §§ 521 and 1307(c) due to failure to file documents, and in support of this Motion, the Trustee states as follows:

1. On January 24, 2025, Debtor filed this case in the Middle District of Pennsylvania.
2. The Notice of Incomplete and/or Deficient Filing dated January 27, 2025, at Doc. 8 established a due date for Debtor to file certain documents by February 7, 2025.
3. Debtor failed to file documents to complete the Petition pursuant to Bankruptcy Rules 1007 and 3015 and § 521, namely the following, by February 7, 2025:
  - a. 106Sum – Summary of Your Assets and Liabilities and Certain Statistical Information;
  - b. 106C – Schedule C: The Property You Claim as Exempt;
  - c. 106G – Schedule G: Executory Contracts and Unexpired Leases; and
  - d. 106H – Schedule H: Your Codebtors.

4. To date, no Motion for extension of time has been filed.
5. Movant believes, and therefore avers, that under the circumstances, Debtor demonstrated substantial abuse and a lack of good faith pursuant to §§ 521 and 1307(c).
6. If upon receipt of this Motion and the Notice, Debtor files the missing documents on or before the response date specified on said Notice, the Motion shall be deemed withdrawn and moot.

WHEREFORE, your Trustee respectfully requests this Honorable Court to:

- a. dismiss this case in accordance with §§ 521 and 1307(c); and
- b. grant such further relief as this Honorable Court deems just and proper.

Respectfully submitted:

/s/ Agatha R. McHale, Esquire

Attorney ID: 47613

Attorney for Trustee

Jack N. Zaharopoulos,

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Email: amchale@pamd13trustee.com

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss Case, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.

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**NOTICE**

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, has filed a Motion to Dismiss your Chapter 13 bankruptcy filing.

If you object to the relief requested, you must file a written objection/response on or before **February 25, 2025**, with the Clerk of Bankruptcy Court:

Max Rosenn U.S. Courthouse  
197 South Main Street, Room 274  
Wilkes-Barre, PA 18701

and serve a copy on the Chapter 13 Trustee for the Middle District of Pennsylvania:

Jack N. Zaharopoulos  
Office of the Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036.

If you file and serve an objection/response within the time permitted, a hearing will be held on **March 11, 2025, at 10:00 AM at the Max Rosenn U.S. Courthouse, Courtroom No. 2, 197 South Main Street, Wilkes-Barre, Pennsylvania 18701**. If you do not file an objection/response within the time permitted, the Court will deem the Motion unopposed and proceed to consider the

Motion without further notice or hearing and may grant the relief requested.

Respectfully submitted:

Date: February 11, 2025

/s/ Agatha R. McHale, Esquire

Attorney ID: 47613

Attorney for Trustee

Jack N. Zaharopoulos,

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

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**CERTIFICATE OF SERVICE**

AND NOW, this 11<sup>th</sup> day of February 2025, I hereby certify that I have served the foregoing by electronically notifying parties or by depositing a true and correct copy of the same in the United States mail at Hummelstown, Pennsylvania, postage prepaid, first-class mail, addressed to the following:

**VIA ELECTRONIC MAIL SERVICE ONLY**

D. Troy Sellars,  
Assistant United States Trustee  
Office of The United States Trustee  
Sylvia H. Rambo United States Courthouse  
1501 North 6<sup>th</sup> Street  
Harrisburg, PA 17102

**VIA FIRST-CLASS U.S.P.S. MAIL ONLY**

Frank Barrett  
2148 Vista Circle  
East Stroudsburg, PA 18302

/s/ Matthew Harnsberger  
Office of Jack N. Zaharopoulos  
Standing Chapter 13 Trustee